

ALICIA LEDUC MONTGOMERY, OSB 173963

Email: alicia@leducmontgomery.com

LEDUC MONTGOMERY LLC

2210 W Main Street, Suite 107 #328

Battle Ground, Washington 98604

Telephone: (503) 500-5695

www.leducmontgomery.com

Attorney for Plaintiff John Malaer

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

JOHN LEE MALAER,

Plaintiff,

v.

GEOFFREY KIRKPATRICK, an individual;
MICHAEL WULFF, an individual; OMAR
ESQUEDA, an individual; ASHLEY MCFALL,
an individual; CITY OF MEDFORD, a
government agency; JACKSON COUNTY, a
government agency; NATHAN SICKLER, in
his individual and official capacity; and BRIAN
KOLKEMO, an individual,

Defendants.

Case No. 1:20-cv-00049-CL

**DECLARATION OF ALICIA LEDUC
MONTGOMERY IN SUPPORT OF
PLAINTIFF'S REPLY IN SUPPORT OF
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
DEFENDANT JACKSON COUNTY**

I, Alicia J. LeDuc Montgomery, declare:

1. I am over the age of 18 years and I make this declaration based on my personal knowledge of the facts contained herein.
2. I am the attorney for Plaintiff in this case.

**PAGE 1 – DECLARATION OF ALICIA LEDUC MONTGOMERY ISO PLAINTIFF'S
REPLY ISO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

3. Plaintiff's Exhibit 48 cited in connection with the Declaration of Alicia LeDuc Montgomery in support of Plaintiff's Motion for Partial Summary Judgment, filed at ECF 258-262 in this matter, was inadvertently left out of the Dropbox upon filing. I uploaded Exhibit 48 to the Dropbox and notified defense counsel in November 2023. Exhibit 48 is a compilation of excerpts from Exhibits 21, 22, 65, 66, and 74, to which Defendants had access via the Dropbox.

4. Attached as **Exhibit 76** is a true and correct copy of an unofficial timeline summary of key events and associated timestamps regarding the detention of Plaintiff inside the Jackson County jail from July 11-12, 2019. This timeline was created by LeDuc Montgomery LLC based on a review of the video and audio evidence produced by County Defendants in this case. The exhibit provides timestamps of events occurring within the following documents produced by the County Defendants in discovery in this case: JC000058 - JC000085. The exhibit numbers and Bates stamps in this timeline correspond with video and audio file exhibits submitted with the Declaration of Alicia LeDuc Montgomery in support of Plaintiff's Motion for Partial Summary Judgment against County Defendants filed at ECFs 258-262 in this matter.

5. This timeline is provided as a demonstrative to aid the Court in reviewing video and audio evidence in this case. It is not intended as a definitive statement of all events transpiring in the jail which give rise to or support Plaintiff's claims against the County Defendants.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: December 20, 2023

s/ Alicia J. LeDuc Montgomery
Alicia J. LeDuc Montgomery
Attorney for Plaintiff John Lee Malaer

**PAGE 2 – DECLARATION OF ALICIA LEDUC MONTGOMERY ISO PLAINTIFF'S
REPLY ISO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**